

ORDINANCE NO. 09-97

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A ONE-FAMILY HOUSE ON A SUBSTANDARD-SIZED LOT HAVING A FRONTAGE OF 50 FEET AND A TOTAL AREA OF 6,850 SQUARE FEET, MORE OR LESS, WHERE A MINIMUM FRONTAGE OF 75 FEET IS REQUIRED AND A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED, CONTRA TO HIALEAH CODE § 98-499. **PROPERTY LOCATED AT 56 EAST 48 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of October 28, 2009 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a one-family house on a substandard-sized lot having a frontage of 50 feet and a total area of 6,850 square feet, more or less, where a minimum frontage of 75 feet is required and a total area of at least 7,500 square feet is required, contra to Hialeah Code §§ 98-499, which provides in pertinent part: “The minimum building site in the R-1 one-family residential district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family residence. Such parcels or lots shall have an average width of at least 75 feet . . . ,”. Property located at 56 East 48 Street, Hialeah,

Miami-Dade County, Florida, zoned R-1 (One -Family Residential District), and legally described as follows:

LOT 6, IN BLOCK 5, OF WEST MIAMI HEIGHTS NO.1,
ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 9, PAGE 131, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

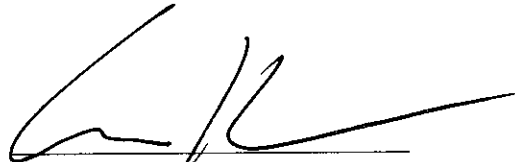
Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 24th day of November, 2009.


Carlos Hernandez
Council President

Attest:

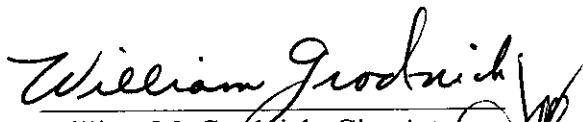
Approved on this ____ day of _____, 2009.

Rafael E. Granado, City Clerk

MAYOR'S SIGNATURE WITHHELD

Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Gonzalez, Hernandez, Yedra voting "Yes", Councilmember Garcia-Martinez absent.